**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(*Special Original Jurisdiction*)

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WEDNESDAY, THE FIFTH DAY OF OCTOBER

TWO THOUSAND AND FIVE

P R E S E N T

**THE HON'BLE SRI JUSTICE K.C.BHANU**

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WP.No.21724 OF 2005

Between**:**

P.Venku Reddy, s/o. Subbarama Reddy,

Aged about 55 years, 0cc.Agriculture,

R/o. Paturu (v), Kovvur Revenue Mandal,

Nellore District. .... Petitioner

**Versus**

The Deputy Commissioner of Endowments,

Guntur, Guntur District & Ors. …. Respondents

Counsel for the Petitioner : Mr.P.Sridhar Reddy

Counsel for the Respondents: G.P.for Endowments

O R D E R :

This writ petition is filed seeking mandamus to declare the action of the third respondent in proposing to conduct auction of the lease hold rights of Acs:1-70 cents of wet land comprised in survey no.98-A, situate at Paturu village, Kovvur Mandal, Nellore district on 06-10-2005 belonging to the third respondent temple though the petitioner is a landless poor person having no other land except the land in possession and the application filed by him for determination of the status as landless poor person under Rule 3(1) of the Agricultural Rules 2003 is pending with the second respondent as illegal, arbitrary, unjust and consequently direct the

second respondent to consider and dispose of the application dated 01-10-2005, pending the same to direct the respondent to continue him as cultivating tenant in respect of the above extent of land.

The learned counsel for the petitioner seeks to contend that even though the lease is subsisting, the impugned auction notice issued on 23-9-2005 without issuing any notice in Form-I as prescribed under Rule 5 (1) of the Rules terminating the lease of the petitioner.

On the other hand, the learned Government Pleader for Endowments contended that the petitioner was not declared as landless poor person and the affidavit of the petitioner is silent with regard to his income and therefore, the second respondent has to pass necessary order to the effect that whether the petitioner is a landless poor person or not.

The petitioner filed an application on 01-10-2005 to the second respondent seeking to declare him that he is a landless poor person when the notification dated 23-9-2005 was published to auction leasehold rights. Therefore, the petitioner submitted the said application obviously with a view to interdict the auction. If the petitioner is a cultivable tenant, nothing prevented him to file application before the appropriate authority to declare him as a landless poor person. Therefore, the present writ petition is filed only to interdict the leasehold rights. There are no merits in this writ petition. However, the second respondent has not taken any appropriate decision on the application dated 1-10-2005.

Without entering into the merits of the case, I deem it appropriate to dispose of

the writ petition directing the second respondent to consider the application dated 01-10-2005 submitted by the petitioner and pass appropriate order on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order, after affording reasonable opportunity of hearing the petitioner.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

OCTOBER 05th, 2005. ----------

I s L. ***K.C. BHANU , J.***